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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,190	11/20/2003	David V. Rodgers	D5434	9820

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EXAMINER
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HOANG, JOHNNY H

ART UNIT	PAPER NUMBER
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3747

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

②

**Office Action Summary**

Application No.

10/718,190

Applicant(s)

RODGERS, DAVID V.

Examiner

Johnny H. Hoang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☒ Claim(s) 25-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Objections*

1. Claims 25-27 are objected to because of the following informalities: Claim 25 must be depended on claim 16. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4-29, and 31-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Weisbrod et al (US 6,189,523 B1).

Regarding claim 1, the reference of Weisbrod et al discloses the method and system for controlling an air-to-fuel ratio in a non-stoichiometric power governed gaseous-fueled stationary internal combustion engine including the following subject matters:

an internal combustion engine having a fueling system for fueling the engine (see abstract);

one or more sources providing data relevant to operations of the apparatus that are external to the engine but potentially influential on fueling of the engine (see Fig. 1; and col. 1, lines 1-40); and

an engine control system (10) comprising a processor (28) for processing data according to an all-speed governing strategy for controlling the fueling system to develop all-speed governed fueling data that sets engine fueling when a data input to the engine control system

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from the one or more sources discloses no need to influence engine fueling, but when the data input from such one or more sources discloses a need to influence engine fueling, that data input causes engine fueling to be set by a strategy other than the all-speed governing strategy (above discussions and further see col. 9, line 6 through col. 10, line 45).

Regarding claim 2, the reference of Weisbrod et al further teach engine 12 is not relatively small displacement engine of type used in self-propelled vehicles such as automobiles, but rather, is a relatively larger displacement, stationary engine (col. 7, lines 26-29).

Regarding claims 4-8, as discussed in claim 1.

Regarding claim 9, the reference of Weisbrod et al further teaches a momentary over speed control portion that is effective to allow engine speed to exceed high idle speed for a limited time (col. 10, line 57 through col. 11, line 53).

Regarding claims 10, and 11, as discussed in claims 1, and 9.

Regarding claims 12-15, as discussed in claim 1.

Regarding claims 16-29, and 31-46, as discussed in the apparatus of claims 1-15.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisbrod et al in view of Isaac et al (US 6,016,459).

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The reference of Weisbrod et al discloses the claimed invention except for one or more sources comprise one or more of an ABS system; a traction control system; and a transmission through which the engine drives driven ones of wheels of the vehicle. The reference of Isaac et al teaches an engine net output torque data signal maybe used to provide better definition for transmission shift points, particularly automatic transmission shift points. Such a signal may also be useful input to a vehicle traction control system (col. 1, lines 36-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an ABS system; or a traction control; or a transmission through which the engine drives drivenones of the wheels of the vehicle to the reference of Weisbrod et al as taught by Isaac et al in advance for improving engine and vehicle performance.

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny H. Hoang whose telephone number is (571) 272-4843. The examiner can normally be reached on Monday - Thursday (7:00Am-5: 30Pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (571) 272-4856.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHH  
May 24, 2005

Johnny H. Hoang  
Examiner  
Art Unit 3747

*Tony M. Argenbright*  
Tony M. Argenbright  
Primary Examiner  
Art Unit 3747